

Atty. Docket No. SIRF.P219.US.U1

**PATENT**


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December 1, 2003

Date

Barbara B. Courtney

(Name of person transmitting correspondence)

  
Signature

**IN THE UNITED STATES PATENT OFFICE**

**In Re Patent Application of:**

**Paul A. Underbrink**

Application No. 09/551,802

Filed: April 18, 2000

For: SIGNAL DETECTOR EMPLOYING A  
DOPPLER PHASE CORRECTION SYSTEM

Examiner: David B. Lugo  
Art Unit: 2634

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION IN VIEW OF A  
COPENING PATENT APPLICATION**

**Sir:**

SiRF Technology, Inc., the owner of the entire right, title and interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/551,276, filed on April 18, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable

only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The above disclaimer is being made in view of section 804.02, subpart II of the Manual of Patent Examining Procedure, Eighth Edition, August 2001, which provides in part:

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."


A check for the Terminal Disclaimer fee for a small entity in the amount of \$55.00 under 37 CFR 1.20(d) is submitted herewith

#### **AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Authorization is hereby given to charge any additional fees which may be required in connection with this submission to Deposit Account No. 501914.

Respectfully submitted,

Date: December 1, 2003

  
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